

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

| TITLE OF CASE | ATTORNEYS |
|---|---|
| THE UNITED STATES vs. James Earl Milton | <i>For U. S.:</i> Hubert H. Bryant Assistant U. S. Attorney <i>For Defendant:</i> Joseph A. Sharp (Ct. apptd) Franklin Building Tulsa, Oklahoma 74103 |

CLOSED

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|--|------------|------|---------------------|------|-------|
| J.S. 2 mailed 1-31-69 | Clerk | | | | |
| J.S. 3 mailed 6-2-69 | Marshal | | | | |
| Violation False representation and secure money Title 18 | Docket fee | | | | |
| Sec. 912 | | | | | |

| DATE | PROCEEDINGS |
|---------|---|
| 1-15-69 | Record vote of the grand jury, filed in open court. b |
| 1-15-69 | Indictment, filed in open court. b |
| 2-5-69 | Bail bond of the defendant in the amount of \$2500.00 filed. United Bonding Insurance Co. (Joseph Lacey Atty-in-fact) |
| 2-7-69 | Defendant not present and not represented. Ordered that the bail bond of deft. is hereby forfeited and warrant to issue. New bond fixed in the amount of \$5,000.00 cash or surety. (FD-J)m |
| 2-7-69 | Warrant issued. m |
| 2-11-69 | Notice of motion for Judgment on Appearance Bond, filed. ds |
| 2-11-69 | Motion for judgment on appearance bond, filed. ds |
| 2-11-69 | Order appointing Joseph A. Sharp counsel, filed. (Fred Daugherty-Judge Defendant, James Earl Milton, present in person and represented, arraigned, has received a copy of the indictment, advised as to charge and penalty and enters a plea of NOT GUILTY, waives jury trial, waiver signed, approved and filed in open Court. (Fred Daugherty-Judge) (LC-CSR) b |
| 2-11-69 | Waiver of Jury trial, filed in open Court. b |
| 2-13-69 | Return on warrant for arrest of defendant for failure to appear filed Executed by arresting defendant at Fed. Bldg., Tulsa, Okla. on 2-11-69 |

| DATE | PROCEEDINGS |
|--------------------|---|
| 3-10-69 | Hearing held on plaintiff's motion for judgment on appearance bond. Defendant present and represented. Ordered that govt. is permitted to withdraw its motion for judgment on appearance bond and further ordered that the order of 2-7-69 forfeiting bond is hereby set aside; deft. is surrendered to U.S. Marshal, the old bond is exonerated & new bond reduced to & fixed in the amt. of \$2,500.00 cash or surety. (FD-J)b |
| 3-28-69 | Case set for non-jury trial on Wednesday 4-9-69 at 9:30 a.m. (LB-J)m |
| 3-28-69 | Ordered that this case is reassigned to Judge Luther Bohanon. (FD-J)m |
| 4-7-69 | Subpoenae to testify, returned and filed: served Katherine W. Copeland and David Mitchell Barker on 4-2-69; John Jay Barker and Mrs. John Barker on 4-3-69, and Jessee Harris on 4-7-69. g |
| 4-9-69 | Case called for non-jury trial. Deft. presented and represented. The Court finds that the defendant is GUILTY as charged. Court increases amt. of bond to \$10,000.00 cash or surety. Sentencing passed pending probation officer's report. (LB-J)(FS-CSR)m |
| 4-18-69 | Defendant's motion for new trial, filed. m |
| 4-29-69 | Case set for sentencing Tuesday 5-13-69 at 9:30 a.m. (LB-J)m |
| May 13-69 | Defendant present in person and represented by Joseph A. Sharp, court appointed counsel; defendant and counsel asked if they have anything to say Judgment and Sentence - James Earl Milton Three (3) Years and the defendant shall become eligible for parole under Title 18, USC., 4208(a)(2) at such time as the Board of Parole may determine. and that he pay a fine in the sum of \$500.00 to the U. S. A. (Luther Bohanon-J) |
| 5-13-69 | Pauper's affidavit to appeal, filed in open Court. |
| 5-13-69 | Order filed in open Court that the defendant is granted leave to proceed in forma pauperis, and that the entire record of the evidence and proceedings of this case should be transcribed at the expense of the United States and that the original and one copy of the entire record containing the evidence and proceedings of this case be transcribed at the expense of the United States. (Luther Bohanon-Judge) b |
| 5-13-69 | Judgment and Commitment as to the defendant, filed. (Luther Bohanon-Judge)b |
| 5-13-69 | Two c. c. of J & C delivered to the U. S. Marshal. b |
| 5-13-69 | Defendant's notice of appeal, filed. Copies mailed to Hubert H. Bryant, Asst. U. S. Atty. and Clerk, Court of Appeals, 10th Circuit. b |
| 6-10-69 | c.c. J & C, returned and filed: defendant delivered to Fed. Cor. Institution, Texarkana, Texas on 5-29-1969. g |
| 6-17-69 | Transcript of trial proceedings and sentencing (orig. + 2 copies), filed. (Frank Sickles, Ct. Rptr.)g |
| 6-19-69 | Application for additional time to docket appeal, filed. g |
| 6-19-69 | Order extending time to docket appeal to July 12, 1969. (LB-J)g |
| 7-7-69 | Appeal record (2 vols.) original + 3 copies) sent to USCA, Denver, with appellant's docketing statement. g |
| 1-5-70 | U. S. Subpoena returned, filed - served Sarah Barker at St. Winthrop, Mass. on 4-7-69. b |
| 1-5-70 | U. S. Subpoena returned, filed - served Rosemary Simone at St. Winthrop, Mass. on 4-7-69. b |
| 3-5-70 | Certified copy of Mandate of USCA, 10th Circuit, reversing judgment of 5-13-1969. g |
| 3-5-70 | Opinion of USCA, 10th Circuit, filed. g |
| 3-18-70 | Order of dismissal, filed and entered, that cause is dismissed and deft. discharged. (LB-J)m (c/c mailed Warden, Fed. Correctional Inst., Terminal Island, Calif., deft. & counsel) |

UNITED STATES COMMISSIONER
WESTERN DISTRICT OF WASHINGTON

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE WALTER J. RESEBURG, JR.
(Name of commissioner)

304 U. S. Courthouse
(Address)

COMMISSIONER'S
DOCKET NO. 12 CASE NO. 16
THE UNITED STATES
vs.

JAMES EARL MILTON

Complaint filed on 11-8, 1968, by J. W. Gallentine
Official title _____, charging violation of
United States Code, Title _____, Section _____, on
19____, at _____, in the
division of the _____ district of
as follows: _____
Western District of Washington
Northern Division

FILED

FEB 3 1969

FEB - 5 1969

Harold W. Anderson, CLERK Deputy
(Here insert brief summary of facts constituting offense)
M. M. Ewing, CLERK
U. S. DISTRICT COURT

WARRANTS OR SUMMONS ISSUED:

Date 11-8-68 Warrant/Summons for James Earl Milton

to (name and title of officer) Any U. S. Marshal or any authorized officer (Name of defendant)
Substance of return Arrested at Seattle, Washington by U. S. Marshal 11-8-68

Date _____ Warrant/Summons for _____

to (name and title of officer) _____ (Name of defendant)
Substance of return _____

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date 11-10-68 Arrested by _____ { on warrant of _____ (Name of issuing officer)
without warrant.

Appearances { for United States _____ (Name) _____ (Address)
for accused _____ (Name) _____ (Address)

Proceedings taken Defendant advixed of the charge, that anything he said

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
could be used against him and that he need say nothing, of his right to

If arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
counsel and/or counsel appointed and his right to a preliminary hearing.

If that is the fact; any adjournments taken, etc.

Hearing set for 11-22-68 - continued subject to call - defendant hospitalized.

Defendant appeared January 10, 1969 and requested a further continuance

because his wife was having a child. Commissioner advised that defendant

indicted. Defendant advised he must appear at Tulsa by February 7, 1969
for arraignment.

Outcome _____

Bail fixed 11-8, 1968 Amount, \$ 2500.00 Bonded Yes, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____ [or] by surety
(name) United Bonding & Insurance Company Address P.O. Box 754 La Habra, Calif.
(name) Surety Bond Company Address 214 James St. Seattle, who
justified by affidavit dated _____, 19____, [or] committed to _____
on _____, 19____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

| | | |
|---|---------------|-----------------|
| { | United States | (Name) _____ |
| | | (Address) _____ |
| | Accused | (Name) _____ |
| | | (Address) _____ |

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
 Proceedings taken _____

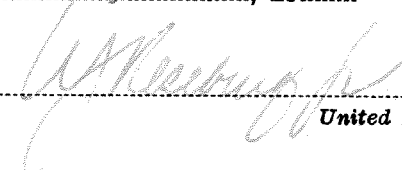
Outcome _____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
 deposited by (name) _____ Address _____
 transmitted to clerk of district court _____, 19____
 [or] by surety (names) _____ Address _____
 and _____ Address _____
 who justified by affidavit _____, 19____ Committed to _____
 on _____, 19____

Certified to be a correct transcript.

Made this 3rd day of February, 19 69

Transmitted to Clerk of United States District Court for the Western
 district of Washington, February 3, 19 69


 United States Commissioner.

